


**This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.**

**IT IS SO ORDERED.**

**Dated: June 27, 2019**



  
Guy R. Humphrey  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

In re: TAGNETICS, INC.,

*Debtor*

Case No. 19-30822

Judge Humphrey  
Chapter 7

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**Order Setting Hearing on Tagnetics Inc.'s Motion to Dismiss and  
Compel Arbitration (Doc. 42), Requiring Filings and Ordering Other Matters**

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**Hearing**

**IT IS HEREBY ORDERED** that an evidentiary hearing (the "Hearing") shall be held on **July 29, 2019 at 9:30 a.m. (Eastern Time)** before United States Bankruptcy Judge Guy R. Humphrey in the East Courtroom on the First Floor of the United States Bankruptcy Court, 120 West Third Street, Dayton, Ohio on the following filings:

- *Tagnetics Inc.'s Motion to Dismiss and Compel Arbitration as to Alleged Claims Filed by Alleged Individual Creditors Kayser, Earley, and Hager (doc. 42) ("Motion to Dismiss")*
- Any timely filed response – **Any response to the Motion to Dismiss shall be filed with the court and served in accordance with Local Bankruptcy Rule 9013-3. Further, pursuant to Local Bankruptcy Rule 9013-1, any response shall state with particularity**

**the reasons that the Motion is opposed. Any response or objection which fails to do so may be overruled by the court on that basis.**

**This hearing shall be held in conjunction with the trial scheduled on that date and at that time on the involuntary petition filed against Tagnetics and Tagnetics' response to that involuntary petition.** All counsel shall appear at the above scheduled time, unless an entry acceptable to the court providing for complete resolution of all issues has been filed with the court prior to the above scheduled time; or, the parties have advised the court, in writing, of the date by which the entry will be submitted to the court. Unless otherwise ordered by the court, the entry providing for resolution of this proceeding shall be submitted not later than seven (7) days following the hearing date.

**Witness and Exhibit Lists and Proposed Exhibits**

All other parties who wish to present witnesses or other evidence at the Hearing shall, **not later than July 25, 2019 at 4:00 p.m.**, file with the court completed witness and exhibit lists in accordance with the instructions and forms provided in this court's Local Bankruptcy Rules, **together with copies of all proposed exhibits.** Copies of witness lists - Form 7016 (Attachment A) Witness List(s) and copies of exhibit lists Form 7016 (Attachment B) Exhibit List(s) [Individual or Joint Exhibit(s)] are available from the court's website at [www.ohsb.uscourts.gov](http://www.ohsb.uscourts.gov) Rules and Forms and from the Clerk of the Bankruptcy Court in this District.

- **Each party shall pre-mark all exhibits.** The Hearing will not commence until all exhibits have been suitably labeled. Absent unusual circumstances the Courtroom Deputy will not mark exhibits during the course of the Hearing.
- Parties shall mark exhibits as follows:

**Numbers – Petitioning Creditors**  
**Letters – Tagnetics Inc.**

- **At the conclusion of the hearing, counsel shall provide an original hard copy of each exhibit proffered to the court as evidence during the course of the hearing to be retained by the court as part of the record.** Presentation of all exhibits during the Hearing shall be by means of the court's electronic display system. If counsel intends to present exhibits electronically from a laptop computer or use other digital presentation devices, then counsel must provide at least three (3) days advance notice to the court to ensure security clearance and technical compatibility. Courtroom equipment testing and setup of counsel-provided devices are the responsibility of counsel and should be completed prior to the Hearing commencement time.

### **Stipulations**

All stipulations of the parties, even if previously filed or referred to in documents previously filed, shall be filed following this order as a separate document captioned **Stipulation(s) Of The Parties** and all such stipulation(s) shall be filed **not later than July 25, 2019 at 4:00 p.m.**

**In the event that counsel propose to introduce documentary evidence, counsel are required to exercise all good faith attempts to enter into stipulations concerning such documentary evidence and avoid the appearance and testimony of any witness whose sole purpose is to provide testimony, which will not be disputed, concerning the authentication and identification of such documentary evidence.**

### **Courtroom Conduct**

The following procedures are to be followed in all proceedings in open court:

At the commencement of the Hearing, each attorney shall stand and state his or her name and introduce by name the parties and witnesses present for that attorney's cause. Each attorney shall also state that the names of all witnesses and copies of all proposed exhibits have been exchanged with all other attorneys; or, shall state the names of all witnesses and provide copies to all other attorneys of all proposed exhibits that have not been exchanged.

All persons, whether counsel, parties, or witnesses, shall be formally addressed by the surnames wherever possible.

**IT IS SO ORDERED.**

Copies to:

All Creditors and Parties in Interest

Stephen B. Stern, 238 West Street, Annapolis, Maryland 21401

Douglas S. Draper, 650 Poydras Street, Suite 2500, New Orleans, Louisiana 70130

Leslie A. Collins, 650 Poydras Street, Suite 2500, New Orleans, Louisiana 70130

In re:  
Tagnetics Inc.  
DebtorCase No. 19-30822-grh  
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0648-3

User: griffin  
Form ID: pdf01Page 1 of 1  
Total Noticed: 10

Date Rcvd: Jun 28, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 30, 2019.

db Tagnetics Inc., 3415 RT 36, Piqua, OH 45356  
 +Douglas S. Draper, 650 Poydras Street, Suite 2500, New Orleans, NO 70130-6175  
 ptcrd +Jonathan Hager, 842 Paint Bank Road, Salem, VA 24153-9242  
 ptcrd +Kayser Ventures Ltd, 1872 Pratt Dr, Ste 1800, Blacksburg, VA 24060-6323  
 ptcrd +Kenneth W Kayser, PO Box 115, Catawba, VA 24070-0115  
 +Leslie A. Collins, 650 Poydras Street, Suite 2500, New Orleans, NO 70130-6175  
 ptcrd +Robert Strain, 427 Artell St, Marcengo, IL 60152-3205  
 ptcrd +Ronald E. Early, 6429 Winding Tree Dr, New Carlisle, OH 45344-9168  
 ptcrd +S-Tek Inc., 1100 Wayne St, Suite 5000, Troy, OH 45373-3071  
 +Stephen B. Stern, 238 West Street, Annapolis, MD 21401-3424

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 30, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 28, 2019 at the address(es) listed below:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov  
 Christopher L Wesner on behalf of Petitioning Creditor S-Tek Inc. chriswesnerlaw@gmail.com,  
 ecf.cwlo@gmail.com;rtanner@millerluring.com  
 Christopher L Wesner on behalf of Petitioning Creditor Kayser Ventures Ltd  
 chriswesnerlaw@gmail.com, ecf.cwlo@gmail.com;rtanner@millerluring.com  
 Jeremy Shane Flannery on behalf of U.S. Trustee Asst US Trustee (Day)  
 Jeremy.S.Flannery@usdoj.gov  
 Robert R Kracht on behalf of Debtor Tagnetics Inc. rrk@mccarthytebit.com

TOTAL: 5